

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KEITH ALEXANDER,)
Plaintiff,) Case No. 3:22-cv-224
v.) JUDGE KIM R. GIBSON
CASEY THORNLEY, et al.,)
Defendants.)

MEMORANDUM ORDER

This matter is before Magistrate Judge Patricia L. Dodge for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636, and Local Civil Rule 72.

On December 2, 2022, pro se plaintiff Keith Alexander ("Plaintiff") filed a complaint asserting state and federal tort claims against defendant Casey Thornley and a number of other individuals and entities who have played some role in providing Plaintiff with medical care for a skin condition during his incarceration at Pennsylvania's State Correctional Institution at Houtzdale. (ECF No. 4). Between February 17, 2023, and May 30, 2023, the named defendants moved to dismiss this complaint across three separate filings for failure to state a claim. (ECF Nos. 21, 29, 58).¹

On July 19, 2023, Magistrate Judge Dodge entered a Report & Recommendation ("R&R") recommending that the Court grant each of these motions to dismiss in part and deny them in

¹ On February 17, 2023, a motion to dismiss was filed by Deanna Dellatorre, Patrick Nagle, Muhammad Naji, Casey Thornley, Wellpath, LLC, and Anne White. (ECF No. 21). On March 23, 2023, a motion to dismiss was filed by Terri Sechrengost. (ECF No. 29). And, on May 30, 2023, a motion to dismiss was filed by Dr. Schleider. (ECF No. 56). (A corrected version of Dr. Schleider's motion to dismiss was filed on May 31, 2023). (ECF No. 58).

part. (ECF No. 71). In it, the Magistrate Judge noted that the parties would have fourteen days to file written objections to the R&R in accordance with 28 U.S.C. §§ 636(b)(1)(B) and (C), and Local Civil Rule 72.D.2. (*Id.* at 26).

Neither party filed objections to this R&R, timely or otherwise. Accordingly, upon reasoned consideration of the above filings, *see EEOC v. City of Long Branch*, 866 F.3d 93, 99–100 (3d Cir. 2017), the following order is entered:

AND NOW, this 31st day of August, 2023, IT IS HEREBY ORDERED that Magistrate Judge Dodge's R&R at ECF No. 71 is ADOPTED as the Opinion of the Court for its reasoning and conclusions.

IT IS FURTHER ORDERED that the motions to dismiss at ECF Nos. 21, 29, and 58 are each GRANTED IN PART and DENIED IN PART in accordance with the Magistrate Judge's recommended conclusions.

BY THE COURT:



KIM R. GIBSON
UNITED STATES DISTRICT JUDGE

Notice by U.S. mail to:

Keith Alexander
NS-7745
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